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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,569	11/13/2003	Gregory Alan Holmes	11867/24	8263
,	7590 04/17/2007 ER GILSON & LIONE		EXAMINER	
P.O. BOX 10395 CHICAGO, IL 60610			EDEL, JOHN B	
			ART UNIT	PAPER NUMBER
			1731	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
2 MONTUS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary    10/713,569					11/				
## Examiner	Office Action Summary		Application No.	Applicant(s)					
John B. Edel   1731			10/713,569	HOLMES, GREGORY ALAN					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Edeminos for many be waited under the provision of 30 FR 11380, in no event, novemen, may a reply be timely feed state 13X (5) MONTHS from the mailing date of this communication of 30 FR 11380, in no event, novemen, may a reply be timely feed state 13X (5) MONTHS from the mailing date of this communication. Failute to reply with the set of exchange period for (reply will, by state), cause the application (5) 519 U.S. (5) 13X (5) 133, Any reply received by the Office later has the emotinal after the mailing date of this communication, even if timely filed, may reduce any seamed patient am aquatament. Set 7 GPR 17:801.  Status  1) □ Responsive to communication(s) filed on 14 February 2007.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 12.4.5.7.8.10.11 and 13-43 is/are pending in the application.  4a) Of the above claim(s) is/afare allowed.  6) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  6) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  7) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  8) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  7) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  8) □ Claim(s) 1.5.16 and 21.2.2 is/afare allowed.  9) □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.121(d).  11) □ Notice of Certified copies of the priority documents have been rec			Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions to the may be available under the provision of 30° FR1 1380°, in no aware, however, may a mpty be simely field of the Scientific Communication of 10° between the production of the program of 30° FR1 1380°, in no aware, however, may a mpty be simely field of this communication of 11° between the production of the program of 11° between the production of the program of 11° between the production of the program of 11° between the mailing date of this communication. Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any seamed patient term deplacement. Sea 7° CFR 1.704(b).  Status  1) S Responsive to communication (s) filled on 14 February 2007.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1,2,4,5,7,8,10,11,and 13-43 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1,2,4,5,7,8,10,11,314,17-20 and 25-43 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  8) The specification is objected to by the Examiner.  4pplication Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
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Art Unit: 1731

## **DETAILED ACTION**

# Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 4-5, 7-8, 10-11, 13-14, 17-20, and 25-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has amended independent claims 1, 4, 7, and 10 to include the recitation of "no translational movement" during rotation. However, the Examiner finds no clear support in the instant written specification, specifically paragraph 0020, for such amendment. While there appears to be disclosure stating that there is "controlled translational movement (e.g. virtually no translational movement relative to the overall tipping machine)," this recitation is deemed insufficient to support the limitation "no translational movement" during rotation.

## Allowable Subject Matter

Claims 15-16, and 21-24 are allowed.

#### Conclusion

Application/Control Number: 10/713,569

Art Unit: 1731

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: United States Patent No. 4,781,204 to Barbe et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Edel whose telephone number is (571) 272-4804. The examiner can normally be reached on 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBE

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700